

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	
	:	AFFIRMATION OF PAUL B.
	:	BERGMAN SUPPORTING
- v. -	:	MOTION OF DEFENDANTS
	:	TO WAIVE APPEARANCE AT
ROBERT COPLAN,	:	JULY 10, 2007 STATUS CONFERENCE
MARTIN NISSENBAUM,	:	
RICHARD SHAPIRO, and	:	07 Cr. 453 (SHS)
BRIAN VAUGHN,	:	
	:	
Defendants.	:	

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PAUL B. BERGMAN, an attorney admitted to practice law in the Courts of New York, hereby affirms under penalty of perjury:

1. I am local counsel for the defendant Brian Vaughn. I submit this affidavit in support of the within motion on behalf of counsel for all the defendants to accept the attached waivers of the defendants and excuse their presence at the status conference scheduled before the Court for this Tuesday, July 10, at 2:00 o'clock in the afternoon.

2. In support of the motion, defendants, through your affiant, respectfully state that it is anticipated that at the status conference, the Court will address the status of initial discovery, scheduling, and other logistical and administrative matters. Thus, it is not expected that the status conference will involve substantive matters that require defendants' physical presence and direct participation.

3. In addition, appearing for this status conference would be needlessly burdensome for the defendants. Defendant Robert Coplan resides and works full-time in Texas and defendant Brian Vaughn resides and works full-time in Louisiana. As the status conference should be relatively short and concern routine case administrative matters, Mr. Coplan's and Mr. Vaughn's presence should not be required – flying to New York for this routine hearing would unnecessarily disrupt their employment and force an unnecessary expenditure of time and money. While defendants Martin Nissenbaum and Richard Shapiro live in the New York metropolitan area, given the expected subject matter of the July 10 hearing they also ask that the Court waive any requirement of their appearance.

4. All defendants submit signed waivers of appearance for the July 10 hearing, attached hereto as Exhibits A-D. The government takes no position on the instant motion.

WHEREFORE, your affiant respectfully requests that an Order be signed which accepts the waivers tendered by the defendants.

Dated: New York, New York  
July 3, 2007



PAUL B. BERCHMAN